

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

BEVERLY J. CARLSON,

Complainant,

VS .

No. 10-0051

COMMONWEALTH EDISON COMPANY,

Respondent .

Complaint as to service in
Harvard, Illinois.

Chicago, Illinois

March 16, 2010

Met, pursuant to adjournment, at 11:00 a.m.

BEFORE:

Ms. Leslie D. Haynes, Administrative Law Judge

APPEARANCES :

MS. BEVERLY J. CARLSON

8106 Reese Road

Harvard, IL 60033

(815) 943-5643

appearing pro se;

1 APPEARANCES (cont.):

2 MR. MARK L. GOLDSTEIN
3 3019 Province Circle
4 Mundelein, IL 60060
(847) 949-1340
for respondent.

5 ALSO PRESENT:

6 Monica Merino
7 Dan Kowalewski

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re- direct</u>	<u>Re- cross</u>	<u>By Examiner</u>
None.					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
None.		

1 JUDGE HAYNES: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 10-0051. This is the complaint of Beverly Carlson
4 versus Commonwealth Edison Company.

5 Could I have your name and address for
6 the record, please.

7 MS. CARLSON: Beverly J. Carlson, 8106 Reese
8 Road, Harvard, Illinois, 60033.

9 MR. GOLDSTEIN: For Commonwealth Edison
10 Company, Mark L. Goldstein, 3019 Province Circle,
11 Mundelein, Illinois, 60060. My telephone number is
12 (847) 949-1340. I have with me today Monica Merino
13 and Dan Kowalewski of ComEd.

14 JUDGE HAYNES: Okay. This is the first time
15 this case has been up, so today is just a status
16 hearing. And I like to give parties an opportunity
17 to use the room and talk about issues. But before we
18 do that, we're going to set a schedule today for the
19 evidentiary hearing, when that will be held. And
20 also if parties think there's a need for setting a
21 formal discovery schedule, we might put that in place
22 as well. I did get a copy of Ms. Carlson's data

1 requests, so maybe we will be putting in a discovery
2 schedule.

3 But today we'll just be setting a
4 schedule. And then when we come back again, if
5 parties don't settle, we'll have the evidentiary
6 hearing. And at that time you'll be presenting --
7 the parties will be presenting any evidence they
8 have, if you have any witnesses you want to bring,
9 any documents that support your complaint.

10 So you'll bring all your evidence to
11 the evidentiary hearing, and the company will have
12 the opportunity to cross-examine you or if you bring
13 a witness. And then the company will also be
14 presenting their witnesses at that time and you will
15 be able to ask questions of their witnesses.

16 And after looking at your complaint, I
17 am considering trying to get a Commission staff
18 person to look at this because if it's a safety
19 issue, sometimes our staff people are interested.
20 But I'm not really sure at this point if that's
21 necessary.

22 Did anybody have any questions or

1 comments at this point?

2 Go ahead, Ms. Carlson.

3 MS. CARLSON: I have another issue.

4 JUDGE HAYNES: Sure.

5 MS. CARLSON: I've been told by a third party

6 that the lightning box is not connected to my

7 transformer and this is of great concern because if

8 electricity hits my transformer.

9 JUDGE HAYNES: Whose lightning box?

10 MS. CARLSON: Mine on the pole and the

11 transformer. There's a lightning box.

12 JUDGE HAYNES: You own the lightning box?

13 MS. CARLSON: No. It's part of the transformer

14 setup. There's a lightning box, and there's a wire

15 that comes down into that lightning box and it's not

16 connected.

17 MR. KOWALEWSKI: I think what we're referring

18 to is the lightning arrestor. So that's --

19 MS. CARLSON: Whatever.

20 MR. KOWALEWSKI: No, no. I just --

21 MS. CARLSON: It was referred to me as a

22 lightning box.

1 MR. KOWALEWSKI: Yeah.

2 MS. CARLSON: Or what did they say? It was a
3 lightning receiver.

4 MR. KOWALEWSKI: Okay. Arrestor.

5 MS. CARLSON: Receiver.

6 MR. KOWALEWSKI: It's arrestor.

7 MS. CARLSON: Arrestor? Okay.

8 MR. KOWALEWSKI: It arrests the lightning.

9 MS. CARLSON: I've got a correction.

10 MR. KOWALEWSKI: So the lightning arrestor is
11 not connected is what you're saying?

12 MS. CARLSON: No.

13 MR. KOWALEWSKI: So I could have somebody
14 actually go out there and take a look at that and
15 verify that, one of the engineers.

16 MS. CARLSON: But it will have to be when I'm
17 home. I have a 12-hour work day.

18 MR. KOWALEWSKI: Well, and I think that's one
19 of the problems is the access, so we'll have to
20 schedule it with you.

21 MS. CARLSON: Well, yeah, they have to --

22 MR. KOWALEWSKI: Okay.

1 MS. CARLSON: The property is all fenced in and
2 it's got a security lock on it. It's got dogs. And,
3 of course, ComEd has been well aware of this for the
4 last 45 years. And if they want to take a meter
5 reading, I have to be there. If they want to come
6 and look, I have to be there. And it is of an issue
7 with that transformer on my property.

8 MR. KOWALEWSKI: Uh-huh.

9 MS. CARLSON: And there's only going to be a
10 couple of days that they can come out to see it. I'm
11 going to have some Jewish holidays coming up that I
12 will be home.

13 MR. KOWALEWSKI: Okay.

14 MS. CARLSON: So maybe if you could take those
15 down.

16 MR. GOLDSTEIN: Me, too.

17 MR. KOWALEWSKI: Okay.

18 MS. CARLSON: Could you tell me what happens if
19 lightning goes through that transformer?

20 MR. KOWALEWSKI: Well, what would happen is the
21 transformer would burn out. There's a fuse out on
22 the pole out on the street and that fuse --

1 MS. CARLSON: All the way out on Reese Road?

2 MR. KOWALEWSKI: Right.

3 MS. CARLSON: Okay.

4 MR. KOWALEWSKI: And so the fuse will blow

5 first and then the lightning arrestor. The lightning

6 arrestor is there to protect the piece of equipment.

7 MS. CARLSON: So I don't have to be concerned?

8 MR. KOWALEWSKI: No, no.

9 MS. CARLSON: Oh, good.

10 MR. KOWALEWSKI: Not immediately. Plus it's

11 buried within a lot of trees, so the trees will take

12 the hit first before the line.

13 MS. CARLSON: What's buried within the trees?

14 MR. KOWALEWSKI: The wire itself that the

15 lightning would travel on. And so if lightning would

16 hit the trees -- the trees are taller than the --

17 MS. CARLSON: Well, there's a couple of trees.

18 It's not a forest.

19 MR. KOWALEWSKI: Yes. Exactly.

20 MS. CARLSON: Okay.

21 JUDGE HAYNES: Okay.

22 MS. CARLSON: Thank you.

1 JUDGE HAYNES: I was slightly concerned reading
2 this complaint because it appears there might be
3 safety issues. And I'm just wondering if -- since
4 this has been filed -- if the company has been out or
5 if anything's --

6 MR. GOLDSTEIN: Have you guys been out there?

7 MR. KOWALEWSKI: Yes.

8 MS. MERINO: Yes, we have.

9 MR. KOWALEWSKI: Do we want to talk about a
10 date?

11 JUDGE HAYNES: Would you prefer to do this off
12 the record?

13 MR. KOWALEWSKI: We could do it off the record
14 and then, if you want to, we could go back on the
15 record. But I'll explain what the situation is out
16 there because we have had people go out.

17 MS. CARLSON: Several.

18 MR. KOWALEWSKI: Yes, several people.

19 JUDGE HAYNES: Since this has been filed?

20 MS. CARLSON: Yes.

21 MR. KOWALEWSKI: Yes.

22 MS. CARLSON: Since the first time of the

1 inception in '08.

2 JUDGE HAYNES: Okay.

3 MR. GOLDSTEIN: Well, yeah. You want to
4 explain the problems out there, Dan?

5 MR. KOWALEWSKI: So the issue on this piece of
6 property is, as is standard for most customers, is
7 you get 135 feet of service. The customer owns the
8 poles on the property. So the customer owns all the
9 equipment on your property. So we don't maintain it.
10 We don't work on it. We don't do anything. And the
11 fact that the poles are rotting is the customer's
12 responsibility to make it safe is the bottom line.

13 So I think what we have done in a
14 couple places is said, okay, if we went ahead and
15 changed the facilities, there would either be a
16 charge or you would have to bring your facility to
17 135 feet of the road. And your transformer is
18 further back than 135 feet from the road. So there
19 would be a charge for that.

20 MS. CARLSON: How did the people that built
21 this house acquire this property? Did they pay for
22 it?

1 MR. KOWALEWSKI: Sure. They put it in
2 themselves. That's very common.

3 MS. CARLSON: Really?

4 MR. KOWALEWSKI: Yes, very common.

5 MS. CARLSON: Do you have something that you
6 can show me that they put that in themselves? When I
7 bought the property, they told me that this was
8 ComEd's. ComEd has been coming out for 45 years to
9 maintain this equipment.

10 MR. KOWALEWSKI: Our pole records indicate that
11 it's a customer-owned pole. And, I mean, there's
12 other customer-owned facilities in that same area.

13 And so one of your discovery questions
14 was, you know, do we have, you know, the poles -- a
15 pole record of that. And we actually show that it
16 is, you know -- we show where our poles are and then
17 we have all of the history of our poles, and then it
18 just shows that it's a customer line that goes onto
19 your property.

20 MS. CARLSON: I have not seen anything that's
21 showing me any poles on my property, and I was --

22 MR. GOLDSTEIN: Well, we were going to provide

1 that today, Ms. Carlson.

2 MS. CARLSON: Okay.

3 MR. GOLDSTEIN: I think I explained that to you

4 on the phone.

5 MS. CARLSON: Well, maybe.

6 MR. KOWALEWSKI: Yeah.

7 MS. CARLSON: But I was told that these poles

8 are from 1946.

9 MR. KOWALEWSKI: That may be.

10 MS. CARLSON: How could they be from 1946 when

11 there was no electricity on the property then?

12 JUDGE HAYNES: Who told you they were from

13 1946?

14 MR. KOWALEWSKI: Yeah.

15 MS. CARLSON: Monica did.

16 MR. GOLDSTEIN: Did you?

17 JUDGE HAYNES: Might have been some confusion.

18 MS. CARLSON: No. There wasn't confusion. In

19 1946 the property wasn't even built.

20 JUDGE HAYNES: So the company hasn't provided

21 responses yet to --

22 MR. GOLDSTEIN: No. We were going to do that

1 today.

2 JUDGE HAYNES: You're going to do that today.

3 Okay.

4 MR. GOLDSTEIN: We have plenty of responses to

5 provide.

6 JUDGE HAYNES: Yeah.

7 MR. GOLDSTEIN: And the only question I was

8 going to have is whether -- after talking to

9 Ms. Carlson -- whether she wanted a formal response

10 to each and every one of her requests or we're just

11 going to give her what we have and that would satisfy

12 her. Either way is fine with me. The more the

13 merrier.

14 MS. CARLSON: Well, I requested these records

15 on numerous times already, and I was timely with my

16 28-day request.

17 MR. GOLDSTEIN: I understand that.

18 JUDGE HAYNES: What you meant, Mr. Goldstein --

19 I'm just curious what you meant by that. So do you

20 just want to hand her the documents --

21 MR. GOLDSTEIN: Yes.

22 JUDGE HAYNES: -- or did you want to know if

1 she wanted a written response to every question? Is
2 that what your statement is?

3 MR. GOLDSTEIN: I was going to hand her the
4 documents, and I wanted to know whether she wanted a
5 written response to each and every one of those
6 requests. That's correct.

7 JUDGE HAYNES: Okay.

8 MS. CARLSON: I think I'm intelligent enough to
9 be able to decipher records.

10 JUDGE HAYNES: And you don't -- and I'd have to
11 say that maybe after she reviews the records, she
12 could -- you don't have to make your mind up right
13 now -- if after she reviews them, she might ask for a
14 written response.

15 MR. GOLDSTEIN: That's right. And that's
16 perfectly fine. And if she has any additional
17 requests, obviously we will try to comply with those.

18 JUDGE HAYNES: Okay. So it sounds like we
19 don't need to set a formal discovery schedule because
20 the company is providing what they have, and I'm
21 hoping that you'll be able to continue to exchange
22 this voluntarily.

1 MR. GOLDSTEIN: Now, the question is, we were
2 going to exchange the documents, Judge. I guess the
3 next issue is whether you want to be present while we
4 discuss what we're going to exchange with
5 Ms. Carlson.

6 JUDGE HAYNES: Well, I think that --

7 MR. GOLDSTEIN: You're perfectly free to be
8 here.

9 JUDGE HAYNES: That's up to both parties.
10 However, I think that because you've mentioned some
11 things that I'm not all that familiar with -- who
12 owns the poles and what the regulations are -- I
13 think that I would like the company to actually file
14 an answer to this complaint and include some of the
15 bases for some of these things that have been said
16 here. And I'm trying to -- I think I need to know
17 more before I know if I need to involve a staff
18 engineer on this issue.

19 MR. GOLDSTEIN: Well, if you could explain to
20 me how I go about responding to the complaint in
21 written form, I would be happy to do that, Judge.

22 JUDGE HAYNES: That's your job there,

1 Mr. Goldstein.

2 MR. GOLDSTEIN: There are no numbered
3 paragraphs. A lot of what is stated -- and I'm
4 looking specifically at Complainant's Exhibit C -- I
5 guess I could number each one of those paragraphs and
6 respond to it that way.

7 JUDGE HAYNES: That seems like a perfectly
8 reasonable way to go forward with that.

9 MR. GOLDSTEIN: There are 16 paragraphs in
10 Exhibit C and 13 requests for relief in Exhibit D. I
11 would be more than happy to respond in that manner.
12 But there is also, I guess, an Exhibit A which, I
13 guess, requires some response. I'll do the best I
14 can.

15 JUDGE HAYNES: That's all I ask of you.
16 However, perhaps there's some regulations involved
17 that I'm not all that familiar with, and if you could
18 let me know and then I will be prepared --

19 MR. GOLDSTEIN: I think the bottom line issue,
20 Judge, if I may interrupt --

21 JUDGE HAYNES: Uh-huh.

22 MR. GOLDSTEIN: -- is, you know, who is

1 responsible for what on Ms. Carlson's property.

2 JUDGE HAYNES: I agree.

3 MR. GOLDSTEIN: I think Mr. Kowalewski sort of
4 outlined exactly what ComEd's position is; that is,
5 that those poles are Ms. Carlson's poles and
6 therefore she's responsible for maintaining them.

7 JUDGE HAYNES: Okay.

8 MR. GOLDSTEIN: So in a way it's sort of
9 simple, but in a way it's difficult.

10 JUDGE HAYNES: It almost sounds like you think
11 perhaps she has no basis for a complaint, so you can
12 file a different sort of answer. However, he's made
13 some representations that I don't know the basis for.
14 And I think that I would like a formal answer or
15 motion, something, before we have a formal hearing.
16 And it sounds like Ms. Carlson will have a lot of
17 documents to review, so I would also like time to
18 review your answer and see if I need a staff person.

19 So because Harvard is kind of far
20 away, I think that rather than having another status
21 hearing, we could just go ahead and schedule the
22 evidentiary hearing. And if parties aren't ready to

1 have an evidentiary hearing on that date, we could
2 either change it to a status hearing or continue it;
3 you just need to give me a call.

4 MR. GOLDSTEIN: I don't mean to speak for
5 Ms. Carlson, but I know she works downtown.

6 JUDGE HAYNES: Oh, do you? Okay.

7 MR. GOLDSTEIN: So I don't think it makes much
8 difference how you want to deal with that.

9 MS. CARLSON: Except that I'm gone an awful
10 lot. Yes, I do work downtown.

11 JUDGE HAYNES: Well, would parties rather have
12 another status hearing before we actually schedule
13 the evidentiary?

14 MS. CARLSON: No. As soon as I can get my
15 documents, I can review them. I've asked for quite a
16 listing of documents and proof that I own these, and
17 I would like that provided to me -- and maps and all
18 my records, all my telephone records from July of '08
19 that showed orders for this work to be done and then
20 all of a sudden they were not carried out, nobody
21 knew anything about them. I would like reports of
22 all the people that came out to view my property.

1 Nobody's ever given them to me. I've made many, many
2 phone calls.

3 JUDGE HAYNES: Sure.

4 MS. CARLSON: I'm very, very concerned about
5 that transformer falling.

6 JUDGE HAYNES: Yeah.

7 MS. CARLSON: It's very close to my house. I'm
8 not there. I'm gone 12 hours out of the day.

9 JUDGE HAYNES: I have a question: So why -- I
10 guess I could ask this off the record. Well -- so
11 why does she have a transformer?

12 We'll leave it on the record.

13 MR. KOWALEWSKI: In situations like this, the
14 customer hires an electrician. The electrician puts
15 in the poles, puts in the primary wire. We, as they
16 call it, tailgate a transformer to the property.
17 Their electrician puts the transformer up on the pole
18 and does all the connections.

19 JUDGE HAYNES: So there's no ComEd transformer
20 on the road or something to bring her --

21 MR. KOWALEWSKI: No. So she's connected
22 directly to the primary that is out on the road.

1 JUDGE HAYNES: Uh-huh.

2 MR. KOWALEWSKI: And, you know, I mean,
3 technically we don't even know how many poles there
4 are between us and the transformer. And ComEd treats
5 their own poles on a regular basis so that our guys
6 will be able to climb a pole. We will not work on a
7 customer pole because, as Ms. Carlson says, the poles
8 are rotting. It's a danger to anybody who works on
9 the poles.

10 MS. CARLSON: Of course if the poles are from
11 1946, I don't know why anybody would put the poles in
12 there from 1946 when the house was built in '62. And
13 also --

14 MR. KOWALEWSKI: I'm not sure. So we have no
15 record -- just so you know -- we have no record of
16 the age of your poles.

17 MS. CARLSON: Well, Monica told me that the map
18 showed --

19 MR. KOWALEWSKI: The pole on the street was put
20 in in 1946.

21 MS. CARLSON: Well, that isn't what she told
22 me. She said that my poles were from 1946. So then

1 it is true, though, in this area that many times
2 ComEd came through and went through fields and put up
3 poles; not all properties out there are owner --

4 MR. KOWALEWSKI: Correct.

5 MS. CARLSON: Okay. So I'm asking for proof
6 that the transformer on there is mine, the meter box
7 is mine, the poles are mine and the wires. And if
8 that's so, why am I paying all the distribution fees
9 every month and the service fees on my electric bill?

10 MR. GOLDSTEIN: Because ComEd is providing you
11 the means to have electricity to your residence.

12 MR. KOWALEWSKI: Right.

13 MS. CARLSON: If I own the transformer, I'm
14 paying --

15 MR. KOWALEWSKI: The transformers are --

16 THE REPORTER: One at a time, please.

17 MR. KOWALEWSKI: I'm sorry.

18 MS. CARLSON: If I'm owning the transformer,
19 which you just got through saying -- I own the poles
20 and the transformer and the wires.

21 MR. GOLDSTEIN: He didn't say that.

22 MR. KOWALEWSKI: No.

1 MR. GOLDSTEIN: You misunderstood.

2 MS. CARLSON: Okay.

3 JUDGE HAYNES: That's what I heard so, yeah,
4 clarify.

5 MR. KOWALEWSKI: We delivered the transformer.
6 So it's ComEd's transformer. So I said we tailgated
7 the transformer. So literally we took a truck. We
8 brought the transformer to your property. It's our
9 transformer. Your electrician put the transformer up
10 on the pole, the electrician who initially put in
11 service.

12 MS. CARLSON: Supposedly. Okay.

13 MR. KOWALEWSKI: Put that transformer up on the
14 pole, made all of the connections, made the
15 connections at the meter box and made the connections
16 to the house.

17 JUDGE HAYNES: So is there any possibility that
18 whoever originally put this in paid ComEd to do that
19 extra?

20 MR. KOWALEWSKI: No.

21 MR. GOLDSTEIN: They would not.

22 MR. KOWALEWSKI: No. I mean, we wouldn't do

1 that, you know. We wouldn't -- the rules state we
2 will not work on customer property -- we will not
3 work on customer facilities.

4 JUDGE HAYNES: That's a rule that should be in
5 your answer there.

6 MR. KOWALEWSKI: Yes. So what is standard
7 service, you know, the customer would get the
8 standard service free which is probably the wire from
9 our pole line out on the road to her first point of
10 connection. That's the rules.

11 JUDGE HAYNES: Okay.

12 MR. KOWALEWSKI: And we'll present that in our
13 rules. From that point of connection, which is her
14 first customer pole, in most cases -- let me step
15 back.

16 In most cases the house is within
17 135 feet, so that connection point is the house. In
18 this case, the house is further than 135 feet from
19 the road. So that first connection point is a pole
20 that the customer put in, whoever built the house.
21 And we made the connection to that point. The
22 electrician took it from that point back.

1 MS. CARLSON: What about extension of service?
2 You have right in your rules and regulations that you
3 have an extension of service, so from the road to my
4 house would be the extension of your service.
5 MR. KOWALEWSKI: The extension of service is on
6 public property.
7 MS. CARLSON: Well, not from what I'm reading.
8 MR. KOWALEWSKI: We will present the rules that
9 say that the customer would pay the differential
10 between our standard service, which is 135 feet, and
11 anything that's required beyond that, if the customer
12 pays for that.
13 MS. CARLSON: So what happens if the
14 transformer falls?
15 MR. KOWALEWSKI: It's your responsibility.
16 MS. CARLSON: It's your transformer.
17 MR. KOWALEWSKI: Pardon me?
18 MS. CARLSON: It's your transformer.
19 MR. KOWALEWSKI: Right. Exactly.
20 MS. CARLSON: It's your transformer, but you
21 don't take any responsibility for it or the
22 maintenance of it or the upkeep of it?

1 MS. MERINO: Well, actually the ComEd tariffs
2 say that if ComEd finds the poles to be unsafe, we
3 can shut off your electricity until you replace the
4 poles.

5 MR. GOLDSTEIN: And, by the way, these kinds of
6 rules, you know, also apply to gas and water-type
7 service, too, as you probably know. I mean, this
8 instance may be different depending on the type of
9 utility.

10 MS. CARLSON: And if this is true, why has
11 ComEd come out for the last 45 years, have trimmed my
12 trees on my property, have called out landscapers to
13 come and take care of the ruts that their trucks have
14 left?

15 Just in December, there was an issue
16 on my property. There was a fire up in the tree.
17 ComEd came out and took care of it and they took the
18 limb off of the wire. Why have they been coming out
19 for 45 years to do this work? Anytime there was a
20 problem, I called ComEd and they would be right
21 there.

22 Why did they come out and put a guy

1 wire on my pole and then put a guard on the guy wire
2 so I wouldn't run into it and my dogs wouldn't run
3 into it? I see that they've been maintaining this.
4 And if they've been maintaining it, then that defeats
5 your thought that they're my equipment and poles.

6 JUDGE HAYNES: Okay. We will explore this
7 further, I'm sure.

8 Mr. Goldstein, how long would you like
9 to file some sort of response?

10 MR. GOLDSTEIN: 14 days or 21 days. What do
11 you think?

12 JUDGE HAYNES: 21 days --

13 MR. GOLDSTEIN: 21 days is fine.

14 JUDGE HAYNES: -- will give you plenty of time
15 to draft a lovely response.

16 April 6th?

17 MS. CARLSON: Now, I have to come back
18 April 6th?

19 JUDGE HAYNES: No. That's when the company --

20 MS. CARLSON: That's when they're due.

21 JUDGE HAYNES: -- will file an answer or some
22 sort of response.

1 MS. CARLSON: Okay.

2 MR. GOLDSTEIN: Answer or otherwise plead?

3 JUDGE HAYNES: Yes.

4 And let's schedule a status hearing

5 for the end of April to see if there's any -- when

6 parties are available. But at that status hearing,

7 we'll make sure that everybody's got all the

8 discovery completed and any other outstanding

9 motions; and at that time we can schedule the

10 evidentiary hearing, if necessary.

11 So I suggest the end of April. But if

12 the parties aren't available, that's fine.

13 MS. CARLSON: The last week isn't any good.

14 The week before, the 19th -- the week of the 19th,

15 that's fine.

16 JUDGE HAYNES: Okay.

17 MS. CARLSON: That's no good for you?

18 MS. MERINO: No. I'm fine. I'm open.

19 MS. CARLSON: And -- let me see.

20 JUDGE HAYNES: Or the week of May 3rd?

21 MR. KOWALEWSKI: How about the week of May 3rd?

22 The only reason I say that is if you are going to get

1 a staff engineer.

2 JUDGE HAYNES: Yeah. They would just call in
3 from Springfield. This is just for a status so...

4 MR. GOLDSTEIN: The best day in the week of the
5 19th is the 20th, Judge.

6 MR. KOWALEWSKI: Mark, I can't be there that
7 week.

8 MR. GOLDSTEIN: Oh, you can't be there that
9 week?

10 MR. KOWALEWSKI: No. So I need --

11 JUDGE HAYNES: Let's do May 3rd then. Let's
12 make sure everybody's available.

13 MR. GOLDSTEIN: Okay. Let's do May 3rd.
14 May 3rd.

15 MS. CARLSON: That's a Monday.

16 JUDGE HAYNES: Not Monday.

17 MR. GOLDSTEIN: 4th? 5th?

18 JUDGE HAYNES: Any day that week.

19 MS. CARLSON: I understand.

20 MR. GOLDSTEIN: 4th or 5th is fine. Either one
21 of those two days.

22 JUDGE HAYNES: Okay. Ms. Carlson?

1 MR. GOLDSTEIN: How does that look?

2 MS. CARLSON: You can call me Beverly.

3 JUDGE HAYNES: Keep it formal.

4 May 4th then?

5 MR. GOLDSTEIN: Yeah.

6 JUDGE HAYNES: Same time again? Tuesday at

7 11:00?

8 MR. GOLDSTEIN: That's fine.

9 JUDGE HAYNES: Okay. So at this point, I'm

10 going to let the parties have this room if there's

11 some more questions that you can talk about and

12 exchange your documents.

13 And other than that, I'm going to

14 continue it until May 4 at 11:00 o'clock.

15 Thank you very much.

16 (Whereupon, the above-entitled

17 matter was continued to May 4,

18 2010, at 11:00 a.m.)

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